

REMARKS

Claims 1 and 3-5 stand rejected under 35 USC 112, second paragraph. The Examiner states that it is unclear what structure applicant is referring to by the phrase “which are undercut in a complementary manner.” This rejection is respectfully traversed.

It is clear from the context of claim 1 and from the disclosure in the specification that it is the connection profiles that are undercut in a complementary manner. The use of the verb “are” in the clause “which are undercut in a complementary manner” necessarily implies that the subject of the clause is plural. The nearest antecedent of the phrase in question is “connection profiles,” so it is clear that the phrase “which are undercut in a complementary manner” must refer to the connection profiles. As a matter of natural reading of the English language, applicant respectfully submits that the language of claim 1 is clear. Withdrawal of the rejection of claims 1 and 3-5 under 35 USC 112, second paragraph, is respectfully requested.¹

Claims 1 and 3-5 stand rejected as anticipated by Marnay. Applicant has incorporated the language of claim 5 into claim 1 above to expedite prosecution. Since this amendment merely presents a limitation that was considered previously, it does not raise new issues and should be entered. The Examiner reads Marnay as disclosing a prosthesis core 50 that is connected to cover plate 30 by substantially straight connection profiles that are arranged at an angle to one another that “is clearly not obtuse,” referring to a marked up version of Fig. 10 to support the argument. This rejection and its supporting reasoning are respectfully traversed.

Applicant respectfully submits that the Examiner is giving an unreasonable interpretation to the expression “at an angle” and is not using a proper definition of “obtuse” in her reasoning. The “profiles” in Marnay identified by the Examiner as corresponding to the claimed connection profiles are not “at an angle” to one another; they instead form a straight line, which at the point

¹ If the Examiner is still bothered by this language, which applicant submits is proper as stated, applicant suggests that the Examiner consider inserting the words “connection profiles” between “which” and “are” and a comma before “which” by Examiner’s Amendment so as to make the phrase read “, which connection profiles are undercut in a complementary manner.”

of intersection subtends an angle of 180° (not zero degrees as stated by the Examiner on page 4 of the Action). No reasonable user of the English language would consider two line segments joined at ends to form a straight line to be “at an angle” relative to each other, as the phrase connotes some degree of “angularity” of one line relative to the other. The Examiner’s interpretation makes the phrase “at an angle” devoid of all meaning, as it would cover any intersection of lines as the Examiner interprets it. Applicant would also note that an “obtuse” angle is defined in geometry as being an angle of greater than 90° and less than 180° ; the angle between Marnay’s profiles as identified by the Examiner is thus not an obtuse angle. In any event the amendment of claim 1 to incorporate the limitations of claim 5 eliminates this aspect of the Examiner’s reasoning, as the language of claim 1 now excludes embodiments in which the profiles join to form the straight line shown in Marnay.

Marnay also does not teach or suggest the aspect of the claimed structure of “substantially straight profile sections.” As noted by applicant in his previous response, Marnay shows only a single flat surface 35 that is orthogonal to the AP direction, not the claimed pair of (i.e., two) substantially straight profile sections that are arranged at an angle to each other of no more than 150° as claimed. Marnay discloses no reason to provide such a pair of angled substantially straight profile sections at all. In the pending Action the Examiner failed to respond to this point, which alone should have disposed of the prior rejection of claims 1 and 5.

For these reasons, Marnay does not anticipate claims 1, 3 and 4. Early action allowing claims 1, 3 and 4 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. 03-1952 referencing Docket No. 246472005200.

Respectfully submitted,

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